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9 UNITED STATES DISTRICT COURT
10 FOR THE EASTERN DISTRICT OF WASHINGTON

11 UNITED STATES OF AMERICA,

12 Plaintiff,

13 v.

14 STEPHANIE MICHELLE BEASLEY,

15 Defendant.

Case No. 2:22-CR-00146-RMP

GOVERNMENT’S SENTENCING
MEMORANDUM

16 Plaintiff, United States of America, by and through Vanessa R. Waldref, United
17 States Attorney for the Eastern District of Washington, and Michael J. Ellis, Assistant
18 United States Attorney for the Eastern District of Washington, submits the following
19 sentencing memorandum.

20 **I. BACKGROUND**

21 The Government agrees with the Offense Conduct summary outlined in
22 paragraphs nine through nineteen of the Presentence Investigation Report. *See* ECF
23 No. 22 at ¶¶ 9–19. The Defendant, a supervisor at Sound Telecom, a call center in
24 Spokane, Washington, abused her position to steal credit card numbers from
25 individuals who called to place orders with companies who contracted their telephone
26 service to Sound Telecom. The Defendant would both “snip” financial information
27 and use her supervisory privileges to email herself copies of recorded telephone calls
28 containing billing information that Sound Telecom retained to improve their customer

1 service experience. During the spring of 2020 the Defendant used the stolen credit
2 card numbers – associated with at least 47 different people – to place thousands of
3 dollars of food deliveries and other orders in Spokane.

4 **II. SENTENCING CALCULATIONS**

5 **A. Base Offense Level & Enhancements**

6 The Government agrees that the Defendant’s base offense level is six (6) and
7 that the following specific offense characteristics apply:

8 -a four (4) level increase as the loss attributable to the Defendant’s conduct is
9 more than \$15,000 but less than \$40,000, and

10 -a two (2) level increase as the offense involved 10 or more victims.

11 Further, the Government agrees that a two (2) level increase is appropriate as the
12 Defendant abused her supervisory position with Sound Telecom to commit the
13 offense. The Government concurs with the Presentence Investigation Report that the
14 Defendant merits a two (2) level reduction under U.S.S.G. § 3E1.1(a). Finally, the
15 Government agrees that the Defendant has zero (0) criminal history points and a
16 resulting Criminal History Category of I.

17 As such, the Defendant’s total, adjusted offense level is twelve (12) for a
18 guideline sentencing range of ten (10) to sixteen (16) months.

19 **B. Departures**

20 The Government is not seeking an upward departure in this matter.

21 **III. SENTENCING FACTORS UNDER 18 U.S.C. § 3553(a)**

22 In determining the appropriate sentence, this Court should consider the factors
23 as set forth in 18 U.S.C. § 3553(a).

24 A. The nature and circumstances of the offense and the history and 25 characteristics of the Defendant

26 Many people in the community have, when placing orders over the telephone,
27 heard a familiar message indicating that the call might be recorded to improve the
28 “customer service experience” offered by the company. None would guess that their

1 recorded call – where sensitive information, such as credit card details, social security
2 numbers, and other personal information are commonly shared – would be coopted
3 and utilized by a rouge employee to, in essence, steal some fragment of their identity
4 to place thousands of dollars worth of food and other delivery orders. Yet that is
5 exactly the conduct engaged in by the Defendant. And while the Government has not
6 been made aware of any particular consequences suffered by one of the consumers, it
7 is not difficult to believe that many risked or suffered an adverse impact on their credit
8 rating or some other common detriment following an identity theft.

9 The same is not true for the Defendant’s former employer, Sound Telecom. As
10 documented by Sound Telecom’s General Manager, the company directly lost
11 thousands of dollars of annual business as a result of the Defendant’s conduct. This
12 financial loss is in addition to a potentially steeper reputational one, as individuals and
13 client companies must be able to trust that their financial information will be handled
14 responsibly when relaying it over the phone. As outlined by Mr. Gabriel, the
15 Defendant’s actions jeopardized that trust. The Defendant also betrayed not only her
16 employer but her co-workers as the Defendant’s actions damaged Sound Telecom’s –
17 an employee-owned company – value.

18 The Government is mindful that the Defendant has no criminal history and
19 appears to have begun the process of straightening out her life. But, per the
20 Presentence Investigation Report, the Defendant does not appear to been motivated by
21 some of the same vices – drugs, gambling, etc. – that have spurred the criminal
22 conduct of other defendants convicted of fraud before this Court. Instead the
23 Defendant appears to have been motivated by greed – for take-out food, for handbags,
24 for concert tickets. The Defendant stole from and harmed others simply to buy things
25 she wanted but couldn’t afford. Such conduct – lacking a motive that might otherwise
26 garner some sympathy – merits a sanction beyond, as the Government believes the
27 Defendant will recommend, probation.
28

1 As anticipated in the Plea Agreement, the Government recommends that the
2 Court impose a sentence at the low end of the sentencing guideline range – ten months
3 imprisonment. *See* ECF No. 18 at 10. Such a sentence is necessary to impart on the
4 Defendant and other similarly situated persons who contemplate defrauding their
5 employers the understanding that such actions carry consequences. In light of the
6 many victims – individual consumers, Sound Telecom’s clients, Sound Telecom itself,
7 the Defendant’s co-workers, and the Spokane-area delivery business that was shorted
8 by the Defendant’s fraudulent conduct – and the lack of any apparent motive other
9 than greed, a ten month sentence is sufficient, but not greater than necessary, to
10 effectuate the purposes of sentencing.

11 Further, the Government requests that the Court impose a three (3) year term of
12 supervised release. Given the Defendant’s apparently unstable living situation over the
13 past few years, a term of supervised release is appropriate to both assist the Defendant
14 in re-integrating into and becoming a productive member of society.

15 B. The need for the sentence imposed to reflect the seriousness of the offense,
16 promote respect for the law, and to provide just punishment

17 For the reasons discussed above, the Government asks that the Court sentence
18 the Defendant to ten months imprisonment. Considering the nature of the offense and
19 the Defendant’s history, such a sentence is appropriate to reflect the seriousness of the
20 conduct, promote respect for the law, and provide just punishment. The Government
21 also asks that the Court order a three (3) year term of supervised release.

22 C. The need for the sentence imposed to afford adequate deterrence to criminal
23 conduct

24 As discussed above, a custodial sentence is necessary to deter similar future
25 conduct by the Defendant and other similarly situated persons.

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1 D. The need for the sentence imposed to protect the public from further crimes
2 of the Defendant

3 As discussed above, the requested three (3) year term of supervised release will
4 protect the public from future criminal conduct by the Defendant.

5 E. The need for the sentence imposed to provide the Defendant with needed
6 educational or vocational training, medical care, or other correctional
7 treatment in the most effective manner

8 The Defendant could utilize any term of imprisonment to participate in
9 programming offered by the Bureau of Prisons.

10 F. The kinds of sentences available

11 The Court may sentence the Defendant to up to ten years in prison, a fine of up
12 to \$250,000, and three years of supervised release.

13 G. The kind of sentence contemplated by the Sentencing Guidelines

14 The Sentencing Guidelines contemplate a term of imprisonment.

15 H. Any pertinent policy statements issued by the Sentencing Commission

16 There are no pertinent policy statements in this case.

17 I. The need to avoid unwarranted sentence disparity among defendants with
18 similar records who have been found guilty of similar conduct

19 A sentence within the advisory guideline range would avoid unwarranted
20 sentence disparities.

21 J. The need to provide restitution to any victims of the offense

22 In the Plea Agreement, the Defendant agreed that restitution would be
23 appropriately ordered to, among others, Treehouse Deliveries, Pizza Hut, and Sound
24 Telecom. See ECF No. 18 at 13. The Government requests that the Court order
25 restitution as outlined in the Presentence Investigation Report:

26 -\$14,728.43 – Treehouse Deliveries

27 -\$416.57 – Pizza Hut

28 -\$200 – Sound Telecom

1 **IV. GOVERNMENT’S SENTENCING RECOMMENDATION**

2 As discussed above, the Government recommends that the Court impose a ten-
3 month sentence followed by a three (3) year term of supervised release with the
4 conditions outlined in the Presentence Investigation Report. *See* ECF No. 22 at 17–21.
5 Such a sentence is sufficient, but not greater than necessary, to accomplish the
6 purposes outlined in 18 U.S.C. § 3553(a).

7 Dated: February 28, 2023.

8 Vanessa R. Waldref
9 United States Attorney

10 *s/Michael J. Ellis*
11 Michael J. Ellis
12 Assistant United States Attorney
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CERTIFICATE OF SERVICE

I hereby certify that on February 28, 2023, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF System which will send notification of such filing to the following: Colin G. Prince

s/ Michael J. Ellis
Michael J. Ellis
Assistant United States Attorney